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July 6, 1995

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

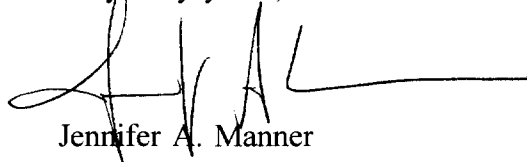
Re: Ex Parte Presentation
CC Docket No. 92-297

Dear Mr. Caton:

On July 5, 1995, a representative of Teledesic Corporation ("Teledesic") and a Federal Communications Commission ("Commission") representative met to discuss matters related to issues addressed in Teledesic's comments and reply comments in ET Docket No. 94-124 and written ex parte filings in CC Docket No. 92-297 and ET Docket No. 94-124. Teledesic was represented by Russ Daggatt, President, Larry Williams, Director of External Affairs, and Charla Rath of Freedom Technologies. The Commission was represented by Jill Luckett, Special Advisor to Commissioner Chong. The attached document entitled "Summary of Key Points," was also distributed at the meeting.

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, an original and two copies of this letter and its attachment are enclosed. A copy of this letter and its attachment is being provided simultaneously to the Commission representatives identified above.

Very truly yours,



Jennifer A. Manner

Enclosure

cc: Ms. Jill Luckett

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SUMMARY OF KEY POINTS
28 GHz Proceeding (CC Docket No. 92-197)

THE CURRENT FCC STAFF BAND PLAN, WHICH REFLECTS THE COMMISSION'S WRC-95 RECOMMENDATION, IS EVENHANDED.

UNDER THE FCC STAFF BAND PLAN:

- **LMDS IS ALLOCATED THE MAXIMUM 1000 MHz NEEDED TO COMPETE WITH CABLE.**
- **GEOSTATIONARY ORBIT (GSO) SATELLITE SYSTEMS ARE ALLOCATED 1000 MHz OF SPECTRUM ON A PRIMARY OR CO-PRIMARY BASIS AND HAVE ACCESS TO ALL BUT 150 MHz OF THE REMAINDER OF THE 2.5 GHz BAND ON A SECONDARY BASIS.**
- **NON-GEOSTATIONARY ORBIT (NGSO) SATELLITE SYSTEMS ARE ALLOCATED 500 MHz OF PRIMARY SPECTRUM.**

**UNDER THE FCC STAFF BAND PLAN, LMDS IS
ALLOCATED THE MAXIMUM 1000 MHz NEEDED TO
COMPETE WITH CABLE.**

- Since 1991, some LMDS parties have claimed that they need access to 1000 MHz of spectrum in the 28 GHz band to establish an analog two-way voice and data system to compete effectively with fiber cable television service. Rulemaking to Amend Part 1 and Part 21 of the Commissions Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band and to Establish Rules and Policies for Local Multipoint Distribution Service, 8 FCC Rcd 577, at paras. 8-9 (1993). Other LMDS proponents have claimed that only 750 MHz is sufficient for this purpose. Ex Parte Presentation to Susan Magnotti, Wireless Telecommunications Bureau, FCC, from Steven P. Seider, President, GHz Equipment Company, Inc. (filed June 8, 1995).
- A 28 GHz band plan that gives LMDS proponents 1000 MHz of spectrum for a system provides LMDS proponents with the maximum amount of spectrum they claim to need to operate a competitive LMDS system.
- Whether the 1000 MHz of spectrum allocated for LMDS is fully contiguous or non-contiguous depends on whether the particular LMDS system proposed is one-way or two-way. Accommodating CellularVision's preference for fully contiguous spectrum optimizes for their one-way architecture but is sub-optimal for more interactive architectures.
- Future expansion of LMDS can take place in the 40.5 - 42.5 GHz band where the 40 European Conference on Posts and Telecommunications (CEPT) Administrations are locating a comparable service.

**UNDER THE FCC STAFF BAND PLAN, GEOSTATIONARY
ORBIT (GSO) SATELLITE SYSTEMS ARE ALLOCATED
1000 MHz OF SPECTRUM ON A PRIMARY OR CO-
PRIMARY BASIS AND ARE AUTHORIZED TO OPERATE IN
ALL BUT 150 MHz OF THE 2.5 GHz OF THE 28 GHz BAND.**

- All of the spectrum in the C and Ku bands is allocated on a primary basis to GSO satellite systems.
- Teledesic supports the allocation of an additional 1000 MHz of spectrum on a primary or co-primary basis for GSO satellite systems in the space-to-Earth direction in the 28 GHz band.

Such a band plan meets the domestic requirements for Hughes' Spaceway system. Thus, Hughes has requested 1000 MHz of spectrum domestically in the Earth-to-space direction to operate its Spaceway system.

- Teledesic supports the allocation of an additional 1350 MHz of spectrum in the Earth-to-space direction on a secondary basis to GSO satellite systems in the 28 GHz band.
- Such a band plan will not "hurt" GSO satellite systems because it provides them with access to 2.35 GHz of the entire 2.5 GHz of spectrum available in the 28 GHz band.
- Additional GSO entrants can be accommodated in the same spectrum through orbital arc separation. Therefore, existing known GSO proponents are not at risk from additional entrants.

UNDER THE FCC STAFF BAND PLAN, NON-GEOSTATIONARY ORBIT (NGSO) SATELLITE SYSTEMS ARE ALLOCATED 500 MHz OF PRIMARY SPECTRUM.

- The 500 MHz allocation must serve the current and future needs of NGSO satellite systems operating in the 27.5 - 30 GHz band ("28 GHz band").
- A primary allocation of 500 MHz is the absolute minimum required to accommodate NGSO systems in the 28 GHz band.
- Teledesic, a unique hybrid fixed and mobile NGSO satellite system alone requires 500 MHz of spectrum on a primary basis in the 28 GHz band for its fixed and mobile satellite service in the Earth-to-space direction.
- Teledesic has requested, and requires, 500 MHz for its system: 400 MHz for fixed satellite service and 100 MHz for mobile satellite service.

The distinction between the fixed satellite service (FSS) and the mobile satellite service (MSS) is not inherent in the nature of the services enabled by the NGSO Teledesic system. The same interactive broadband capability of the Teledesic system that can extend benefits to users in fixed applications, such as hospitals, can benefit users in mobile applications, such as ambulances and other emergency vehicles.

Teledesic filed separately for spectrum in the fixed and mobile satellite services because the Table of Allocation currently makes the distinction between service types (fixed/mobile), but not between system types (GSO/NGSO).

Teledesic did not file for the 100 MHz of mobile satellite spectrum in its original application because, in the United States, Norris Satellite Communications already had a license to operate in that portion of the 28 GHz band allocated for mobile satellite service (29.5 - 30 GHz) and Teledesic's application would have been considered mutually exclusive.

Teledesic expected that the Norris license would be canceled, thus allowing it to apply for the remaining mobile spectrum that it needed. However, in December 1994, when it became clear that the Commission would not resolve the Norris issue in the time frame required for WRC-95, Teledesic was forced to file for 100 MHz of mobile satellite spectrum only outside the United States.

Teledesic realizes that the Commission ultimately will determine what portion of the 28 GHz band will be allocated to NGSOs, fixed and mobile; however, in order to file an application for the mobile component of the system, and make its complete system requirements known, Teledesic could only apply for bands currently allocated to mobile satellite service.¹

- A primary allocation of 500 MHz for NGSO satellite systems may be insufficient because it may not meet the requirements of other NGSO satellite systems that will seek to operate in the 28 GHz band.
- **Teledesic is the only party to this proceeding at risk of not obtaining sufficient spectrum for its service due to the potential emergence of additional entrants.**

¹ If the domestic table of allocations is modified to eliminate the distinction between MSS and FSS in all or part of the 28 GHz band, Teledesic will amend its application to seek 500 MHz of contiguous spectrum.